

Senate File 384 - Introduced

SENATE FILE 384
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 151)

A BILL FOR

1 An Act relating to removing or attempting to remove a
2 communication or control device from the possession of a
3 peace officer or correctional officer, interference with
4 official acts, and providing penalties.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 708.12 Removal of an officer's
2 communication or control device.

3 1. As used in this section, "officer" means peace officer as
4 defined in section 724.2A or a correctional officer.

5 2. A person who knowingly or intentionally removes or
6 attempts to remove a communication device or any device used
7 for control from the possession of an officer, when the officer
8 is in the performance of any act which is within the scope of
9 the lawful duty or authority of that officer and the person
10 knew or should have known the individual to be an officer,
11 commits the offense of removal of an officer's communication
12 or control device.

13 3. a. A person who removes or attempts to remove an
14 officer's communication or control device is guilty of a simple
15 misdemeanor.

16 b. A person who knowingly or intentionally removes or
17 attempts to remove a communication or control device from the
18 possession of an officer with the intent to interfere with the
19 communications or duties of the officer, is guilty of a serious
20 misdemeanor.

21 c. If a violation of paragraph "b" results in bodily
22 injury to the officer the person is guilty of an aggravated
23 misdemeanor.

24 d. If a violation of paragraph "b" results in serious injury
25 to the officer the person is guilty of a class "D" felony.

26 Sec. 2. Section 719.1, subsections 1 and 2, Code 2013, are
27 amended to read as follows:

28 1. A person who knowingly resists or obstructs anyone known
29 by the person to be a peace officer, emergency medical care
30 provider under chapter 147A, or fire fighter, whether paid
31 or volunteer, in the performance of any act which is within
32 the scope of the lawful duty or authority of that officer,
33 emergency medical care provider under chapter 147A, or fire
34 fighter, whether paid or volunteer, or who knowingly resists or
35 obstructs the service or execution by any authorized person of

1 any civil or criminal process or order of any court, commits a
 2 simple misdemeanor. In addition to any other penalties, the
 3 punishment imposed for a violation of this subsection shall
 4 include assessment of a fine of not less than two hundred fifty
 5 dollars. However, if a person commits an interference with
 6 official acts, as defined in this subsection, ~~and in so doing~~
 7 ~~inflicts~~ which results in bodily injury ~~other than serious~~
 8 ~~injury~~, that person commits an aggravated misdemeanor. If a
 9 person commits an interference with official acts, as defined
 10 in this subsection, ~~and in so doing inflicts or attempts~~
 11 ~~to inflict~~ which results in serious injury, or displays a
 12 dangerous weapon, as defined in section 702.7, or is armed with
 13 a firearm, that person commits a class "D" felony.

14 2. A person under the custody, control, or supervision of
 15 the department of corrections who knowingly resists, obstructs,
 16 or interferes with a correctional officer, agent, employee, or
 17 contractor, whether paid or volunteer, in the performance of
 18 the person's official duties, commits a serious misdemeanor.
 19 If a person violates this subsection and in so doing commits
 20 an assault, as defined in section 708.1, the person commits an
 21 aggravated misdemeanor. If a person violates this subsection
 22 ~~and in so doing inflicts or attempts to inflict~~ the violation
 23 results in bodily injury ~~other than serious injury~~ to another,
 24 displays a dangerous weapon, as defined in section 702.7, or is
 25 armed with a firearm, the person commits a class "D" felony.
 26 If a person violates this subsection and uses or attempts
 27 to use a dangerous weapon, as defined in section 702.7, or
 28 ~~inflicts~~ the violation results in serious injury to another,
 29 the person commits a class "C" felony.

30

EXPLANATION

31 This bill relates to removing or attempting to remove a
 32 communication or control device from the possession of an
 33 officer and interference with official acts.

34 Under the bill, a person commits removal of an officer's
 35 communication or control device when the person knowingly or

1 intentionally removes or attempts to remove a communication
2 device or any device used for control from the possession of an
3 officer, when the officer is in the performance of the official
4 duties of the officer and the person knew or should have known
5 the individual to be an officer. The bill defines "officer"
6 as a peace officer as defined in Code section 724.2A or a
7 correctional officer.

8 Under the bill, a person who removes or attempts to remove
9 an officer's communication or control device commits a simple
10 misdemeanor. If a person knowingly or intentionally removes
11 or attempts to remove a communication or control device from
12 the possession of an officer with the intent to interfere with
13 the communications or duties of the officer, the person is
14 guilty of a serious misdemeanor. If bodily injury results from
15 such removal or attempted removal, the person is guilty of an
16 aggravated misdemeanor, and if serious injury results from such
17 removal or attempted removal the person is guilty of a class
18 "D" felony.

19 A felony violation involving removal of an officer's
20 communication or control device may meet the definition of a
21 forcible felony under Code section 702.11. A person convicted
22 of a forcible felony is not eligible to receive a suspended
23 sentence or deferred judgment pursuant to Code section 907.3.

24 The bill also provides that a person commits the offense of
25 interference with official acts if the violation results in
26 bodily or serious injury to a peace officer, emergency medical
27 care provider, correctional officer, or other member of a
28 protected class under Code section 719.1.

29 Current law provides that a person commits the offense
30 of interference with official acts if the person inflicts or
31 attempts to inflict bodily or serious injury.

32 Under the bill, if a person commits interference with
33 official acts that results in bodily injury to a member
34 of a protected class, the person commits an aggravated
35 misdemeanor if the injury is to a peace officer or emergency

1 medical officer, or a class "D" felony if the injury is to a
2 correctional officer.

3 If a person commits interference with official acts that
4 results in serious injury, the person commits a class "D"
5 felony if the injury is to a peace officer or emergency
6 medical officer, or a class "C" felony if the injury is to a
7 correctional officer.

8 A simple misdemeanor is punishable by confinement for no
9 more than 30 days or a fine of at least \$65 but not more than
10 \$625 or by both. A serious misdemeanor is punishable by
11 confinement for no more than one year and a fine of at least
12 \$315 but not more than \$1,875. An aggravated misdemeanor is
13 punishable by confinement for no more than two years and a fine
14 of at least \$625 but not more than \$6,250. A class "D" felony
15 is punishable by confinement for no more than five years and a
16 fine of at least \$750 but not more than \$7,500.